

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

ESTATE OF ARTURO GIRON \*  
ALVAREZ, by and through Ana Giron  
Galindo as Administrator, et al., \*

Plaintiffs, \*

v. \* Civ. No. TDC-15-0950

THE JOHNS HOPKINS UNIVERSITY, \*  
et al., \*

Defendants.  
\*

**MOTION FOR STAY OF ORDER TO PRODUCE DOCUMENTS  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the order to produce documents responsive to Plaintiffs' subpoena, served on the National Archives and Records Administration ("NARA") on April 3, 2018, and the Touhy Request, served on the Office of Personnel Management ("OPM") on December 3, 2018, in the above-captioned case. ECF Nos. 190 and 199.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including NARA and OPM. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the NARA and OPM are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the order to produce documents responsive to Plaintiffs' subpoena, served on NARA on April 3, 2018, and the Touhy Request, served on OPM on December 3, 2018, until Congress has restored appropriations to the Department.

4. Undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, its current deadline to produce documents be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the order to produce documents responsive to Plaintiffs' subpoena, served on NARA on April 3, 2018, and the Touhy Request, served on OPM on December 3, 2018, in this case until Department of Justice attorneys and NARA and OPM attorneys and employees are permitted to resume their usual functions.

Respectfully submitted,

ROBERT K. HUR  
United States Attorney

/s/  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 26th day of December 2018, a copy of the foregoing Motion for Stay of Order to Produce Documents in Light of Lapse of Appropriations and accompanying proposed Order was electronically filed and served on all counsel of record via the Court's CM/ECF system.

/s/  
KELLY M. MARZULLO (Bar No. 28036)  
Assistant United States Attorney